SUMMIT DEFENSE
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. WALID JAMIL, Defendant.	**Case No. CR 15-00264-004 LHK** **DEFENDANT'S SENTENCING MEMORANDUM and REQUEST TO CONTINUE SENTENCING** **Date: Wednesday April 26, 2017** **Time: 9:15 am** **Court: Honorable Lucy H. Koh**

Defendant WALID JAMIL hereby submits the following Defendant's Sentencing Memorandum and Request to Continue Sentencing.

Date: April 20, 2017

Respectfully submitted,

JAMES T. REILLY, Attorney at Law
California State Bar No. 67254
Counsel for Defendant WALID JAMIL

DEFENDANT'S SENTENCING MEMORANDUM

I

INTRODUCTION

Defendant WALID JAMIL is to be sentenced pursuant to a plea agreement by which he pled guilty to violations of 18 U.S.C. § 2320(a), Conspiracy to Traffic in Counterfeit Goods and 18 U.S.C. § 371, Conspiracy to Commit Criminal Copyright Infringement and to Introduce Misbranded Food into Interstate Commerce.

A comprehensive Presentence Investigation Report was prepared by U.S. Probation Officer Kyle Pollak and filed on April 11, 2017 (Document 564).

In his report, Mr. Pollak determined that Mr. Jamil has a Criminal History Category of 1 and calculated the applicable total offense level to be 31, which is consistent with Mr. Jamil's plea agreement and which provides a guideline sentencing range of 108 to 135 months in prison.

The plea agreement also permits Mr. Jamil to seek a downward departure pursuant to U.S.S.G. § 5K1.1 and a downward variance pursuant to 18 U.S.C. § 3553(a).

USPO Pollak recommended a prison sentence of 96 months on Count One and 60 months on Count Two, with the sentences to be served concurrently. The government filed a United States' Sentencing Memorandum on April 19, 2017 (Document 566), which recommends that the court impose a prison sentence of 108 months.

Mr. Pollak also recommended that the court impose a post-imprisonment term of supervised release of three years, on a number of specified terms and conditions. Mr. Jamil has no objection to the recommended terms of supervised release.

For the reason set forth below, Mr. Jamil respectfully submits that a continuance of his sentencing is appropriate and requests that sentencing be continued until July 19, 2017, or such other date thereafter as the court may order.

II

APPROPRIATE PRISON SENTENCE

In his presentence report, USPO Pollak noted that based on the advisory guideline imprisonment range of 108 to 135 months; the nature of the conviction offenses and Mr. Jamil's role therein; his lack of criminal history and acceptance of responsibility; and personal history and characteristics, a sentence below the guideline limit is warranted in this case. Mr. Pollak therefore recommended a sentence of 96 months in prison.

Based solely on the considerations set forth in the presentence report, Mr. Jamil agrees that the recommended sentence is appropriate in this case.

However, and in light of paragraph 10.e. of his plea agreement, Mr. Jamil respectfully submits that a delay of his sentencing of not less than three months is appropriate at this time and requests that his sentencing be continued until July 19, 2017, or such other date thereafter as the court may order.

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Respectfully submitted,

JAMES T. REILLY, Attorney at Law
California State Bar No. 67254
Counsel for Defendant WALID JAMIL